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*Attorneys for Plaintiff Rabo AgriFinance LLC*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

<p>IN RE:</p> <p>McCLAIN FEED YARD, INC., McCLAIN FARMS, INC., AND 7M CATTLE FEEDERS, INC.,</p> <p>Debtors.<sup>1</sup></p>	<p>Chapter 7</p> <p>CASE NO. 23-20084-rlj</p> <p>Jointly Administered</p>
<p>RABO AGRIFINANCE LLC,</p> <p><i>Plaintiff,</i></p> <p>v.</p>	<p><b>ADV. PROC. NO. 23-02005-rlj</b></p> <p><b>Honorable Robert L. Jones</b></p>

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<sup>1</sup> The Debtors in these jointly administered cases are: (1) McClain Feed Yard, Inc. (Case No. 23-20084); (2) McClain Farms, Inc. (Case No. 23-20885); and (3) 7M Cattle Feeders, Inc. (Case No. 23-20886). All three cases are being jointly administered under the case number for McClain Feed Yard, Inc.

ACEY LIVESTOCK, LLC et al.,

*Defendants.*<sup>2</sup>

**STIPULATION BETWEEN PLAINTIFF RABO AGRIFINANCE LLC AND  
DEFENDANT KEITH HARRIS FOR (A) WITHDRAWAL OF DEFENDANT’S DEALER  
TRUST CLAIMS, AND (B) DISMISSAL OF DEFENDANT FROM THIS ACTION**

Plaintiff Rabo AgriFinance LLC (“**RAF**” or “**Plaintiff**”), and Defendant Keith Harris (“**Harris**”), through their respective attorneys, hereby enter into this Stipulation providing for (a) the withdrawal by Harris of the Harris Dealer Trust Claim (as defined below), (b) the dismissal of Harris from this action based upon that withdrawal.

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<sup>2</sup> The Defendants named in the Complaint are ACEY LIVESTOCK, LLC; MICHAEL ACEY; STAN E. AYERS, JR.; ARNOLD BRAUN TRUST; ARNOLD BRAUN; ROBERT BRAUN; BAR D RANCH LAND & CATTLE LLC; N. TERRY DICKS; BARRETT’S LIVESTOCK INC.; DON RALPH BARRETT; BELLA ELEGANCE LLC; BIG SEVEN CAPITAL PARTNERS, LLC; DORA BLACKMAN; BRYAN BLACKMAN; EDDIE BRYANT; BRENT BURNETT; JOE BURNETT; TERRY BURNETT; BUSS FAMILY TRUST; EDWIN D. BUSS; DENNIS BUSS; C HEART RANCH, LLC; COLETTE LESH; CARRAWAY CATTLE, LLC; RICHARD CARRAWAY; CURTIS JONES FARMS; DAC83 LLC; ERIC DeJARNATT; DON JONES FARM, INC.; DON JONES TRUCKING, INC.; DUFURRENA CUTTING HORSES; EDWARD LEWIS DUFURRENA; RIETA MAY DUFURRENA; ROBERT ELLIS; MICHAEL EVANS; DOUG FINLEY; GARWOOD CATTLE CO.; JUSTIN GARWOOD; GENE BROOKSHIRE FAMILY, LP; JOEL BROOKSHIRE; GRAY BROTHERS CATTLE; ROBERT GRAY; RONNIE GRAY; JIMMY GREER; GUNGOLL CATTLE, LLC; BRADLEY GUNGOLL; LEAH GUNGOLL; JACE HARROLD; HINES CATTLE COMPANY, LLC; HINES FARMS, LLC; A.J. JACQUES LIVING TRUST; CORY JESKO; DWIGHT JESKO, JOANN & KEITH BROOKS d/b/a BROOKS FARMS; LARRY KEITH; DUSTIN JOHNSON; DAVID JOHNSON; KINSEY JONES; KINGDOM TRUST; JAMES MCCUAN; KEITH HARRIS; JANICE LAWHON; JAN LESH; MORRISON CAFÉ, LLC; LESH FAMILY TRUST; GARY LESH; JARED LESH; JORDAN LESH, LLC; LFC CATTLE; CHARLES LOCKWOOD; COLE LOCKWOOD; SHERLE LOCKWOOD; NIKKI LOCKWOOD; MAP ENTERPRISES; MIKE GOURLEY; NATALIE MARTUS; JEAN NIX; OPEN A ARENA LLC; BARRY PHILLIPS; DREW PHILLIPS; PRIEST CATTLE COMPANY LTD; PRIEST VICTORY INVESTMENT LLC; CHRISTOPHER PRINCE; PRODUCERS LIVESTOCK COMMISSION; SONNY BARTHOLD; DAVID RAINEY; RAPP RANCH; MARK J. REISZ; RALPH REISZ; RIDGEFIELD CAPITAL ASSET MANAGEMENT; JIM GIORDANO; RILEY LIVESTOCK, INC.; ANGIE ROBINSON; RICK RODGERS; STEVE RYAN; JIM RININGER; SCARLET & BLACK CATTLE, LLC; COLTON LONG; SCOTT LIVESTOCK COMPANY; SHAW & SHAW FARMS PARTNERSHIP LLC; THE UNIVERSITY OF FLORIDA; ROBERT J. SPRING; STARNES CATTLE; JEFF STARNES; EDDIE STEWART; ROBERT STEWART; RACHEL STEWART; SCOTT E. STEWART; STEVE T SCOTT FARMS, INC.; JUSTIN STUEVER; PHILLIP SULLIVAN; AMY SUTTON; CRAIG SUTTON; TGF RANCH LLC; TOM FRITH; THORLAKSON DIAMOND T FEEDERS, L.P.; JOHN TIDWELL; MYKEL TIDWELL; TINDAL TRUCK SALES; JOHN TINDAL; JANET VANBUSKIRK; LYNDAL VANBUSKIRK; SUSAN VAN BUSKIRK; COLBY VANBUSKIRK; CAMERON WEDDINGTON; NANCY WEDDINGTON; WILLIAM WEDDINGTON; WILDForest CATTLE COMPANY LLC; WILEY ROBY RUSSELL, JR. as TRUSTEE OF THE W. ROBBIE RUSSELL LIVING TRUST; WJ PERFORMANCE HORSES, INC.; JOB WHITE; and KENT RIES, in his capacity as CHAPTER 7 TRUSTEE OF THE DEBTORS’ CONSOLIDATED BANKRUPTCY ESTATE.

In support hereof, RAF and Harris stipulate and agree as follows:

1. The United States Department of Agriculture (the “**USDA**”) has identified Harris as holding or potentially holding a claim (the “**Harris Dealer Trust Claim**”) against McClain Feed Yard, Inc., McClain Farms, Inc, 7M Cattle Feeders, Inc. and/or Brian McClain (collectively, the “**McClain Debtors**”) under 7 U.S.C. § 217b (the “**Dealer Trust Statute**”).

2. The USDA has preliminarily determined that the Harris Dealer Trust Claim is not a valid claim under the Dealer Trust Statute because, among other reasons, Harris failed to file such claim within the time period required by the Dealer Trust Statute.

3. On November 27, 2023, RAF filed by the above-entitled adversary naming (among others) Harris as a defendant, and seeking declaratory relief from the Court against Harris, including a declaration that (a) the Harris Dealer Trust Claim is not valid and is not payable under the Dealer Trust Statute, (b) Harris is not entitled to any funds or payments as a trust fund claimant or secured creditor under the Dealer Trust Statute, and (c) Harris’s claims against the McClain Debtors are, at most, general unsecured claims.

4. Harris hereby formally waives any rights he would otherwise have under the Dealer Trust Statute against the McClain Debtors or their bankruptcy estates, and hereby stipulates that (a) the Harris Dealer Trust Claim is not valid and is not payable under the Dealer Trust Statute, (b) Harris is not entitled to any funds or payments as a trust fund claimant or secured creditor under the Dealer Trust Statute, and (c) Harris’s claims against the McClain Debtors are, at most, general unsecured claims.

5. Based upon the forgoing withdrawal and stipulation by Harris, RAF hereby dismisses its claims in this adversary proceeding, as against Harris only, pursuant to Federal Rule

of Civil Procedure 41(a)(1)(A), as incorporated in adversary proceedings by Federal Rule of Bankruptcy Procedure 7041.

DATED this 16<sup>th</sup> day of February, 2024.

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/s/ Michael R. Johnson

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/s/ Tom Blankenship (w/permission)

Tom Blankenship

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